

Town of Bethel Town Council Meeting Minutes
June 1, 2021 | 7:00PM

(1) Meeting Called to Order: The meeting was called to order at 7:02PM by Town Council President, K. Phillips. Present included Town Council President, K. Phillips, V. Proctor, M. Shaver, E. Whaley, R. Campfield, and Town Clerk, M. Hawkins.

(2) Pledge of Allegiance: The Pledge of Allegiance was led by Town Council President, K. Phillips.

(3) Secretary's Report: E. Whaley presented the May Town Council Meeting Minutes.

V. Proctor offered several corrections to the minutes. V. Proctor made a motion to accept the May Town Council Meeting Minutes with corrections. R. Campfield seconded the motion. The motion passed unanimously.

E. Whaley presented the Secretary's Report. A copy of the Secretary's Report is attached to this document. R. Campfield made a motion to accept the Secretary's Report. V. Proctor seconded the motion. The motion passed unanimously.

(4) Town Clerk's Report: Town Clerk, M. Hawkins, presented the Town Clerk's report. A copy of the Town Clerk's report is attached to this document. The question of purchasing a name plate for Town Council meetings for the Town Attorney was brought up by the Town Clerk. M. Shaver stated that he felt that the Town Attorney was not present at enough meetings to warrant a new name plate.

E. Whaley made a motion to accept the Clerk's Report as presented. M. Shaver seconded the motion. The motion passed unanimously.

(5) Treasurer's Report: M. Shaver presented the bills to be paid. A copy of the Bills to be Paid is attached to this document. R. Campfield made a motion to pay the bills as presented. V. Proctor seconded the motion. The motion passed unanimously.

M. Shaver presented the Treasurer's Report. A copy of the Treasurer's Report is attached to this document. V. Proctor made a motion to accept the Treasurer's Report as presented. R. Campfield seconded the motion. The motion passed unanimously.

(6) Building Permits: Town Council President, K. Phillips, presented one building permit for a property on Hopkins Lane for \$25.

(7) Ordinance Update: V. Proctor provided the ordinance update. V. Proctor stated that the Town Attorney reviewed the first six chapters of draft ordinances and offered her comments.

The issue of discharging firearms within town limits was brought up. R. Campfield stated that the old ordinances had a section pertaining to the discharging of firearms within town limits. V. Proctor stated that the section mentioned could be added back into the draft ordinances. A resident stated that another resident on Main Street discharged firearms within

town limits. Town Council President, K. Phillips stated that outside of town limits, on Sailor's Path, there was regular gunfire from practicing. E. Whaley agreed with the resident that there is a resident on Main Street discharging firearms. Brief conversation about gunfire outside of town limits was made.

V. Proctor stated that pending comments from Town Council members, the draft ordinances are ready to be circulated throughout the Town for public readings and the formal adoption process. V. Proctor stated that the next step for the ordinance community is to review the Land Use chapter.

A resident questioned the Town's means of enforcing the proposed ordinances. V. Proctor stated that there are a couple of ways in which the Town can handle ordinance issues. V. Proctor stated that the Town Charter has a provision for an Alderman, but the Town does not currently have resources available for an Alderman. Per the draft ordinances, Town Council and other communities will have the ability to enforce the ordinances. V. Proctor stated that the Town Council must be practical and draft achievable enforcement mechanisms. V. Proctor also stated that the Town Council does not want to over govern the Town. R. Campfield stated that the lack of police force presents a problem in the area of enforcement.

A resident asked if it would be possible for the Town of Bethel to share an Alderman with a neighboring municipality. R. Campfield responded by stating that the issue had been looked into, but the salary expenses would be too much for the Town of Bethel to bear. Town Council President, K. Phillips stated that the Town of Bear relies on the Delaware State Police for enforcement. A resident pointed out that the Delaware State Police will only respond to serious matters, such as the unlawful discharging of a firearm, not for residents that keep messy yards. The resident asked if the Town would write a letter to a resident with a property that broke an ordinance. Town Council President, K. Phillips responded by stating the Town can send letters to residents but it is not an easy or quick process. The Town is in a position to expect the property owner to work with the Town to resolve the issue, before involving the Town Attorney. Town Council President, K. Phillips stated that the Town of Bethel does not have the financial means to utilize a police department or a code enforcement officer. V. Proctor stated that the Town of Bethel relies on fines to enforce the ordinances.

A resident asked if the ordinances would be voted on by the Town. Town Council President, K. Phillips stated that he believed the Town is required to have three public hearings. V. Proctor stated copies of the draft ordinances will be made available to the residents. The residents will then have the opportunity to comment on the draft ordinances during public hearings. V. Proctor suggested that if they are not available on the website already, the Town Council should post the old ordinances so residents can compare them to the proposed draft ordinances.

(8) Animal Population Update: Town Clerk, M. Hawkins stated that she had not heard anything further from Mary McCoy.

A resident stated that he has counted five or six cats on the property. The same resident also stated that Tom (last name not stated) had five or six bowls on the front of his property and that the windows were down on his vehicle to allow cats to sleep inside of it.

Town Clerk, M. Hawkins pointed out that the resident's concerns fall in line with the cat agency used to trap the cats on West Street. The Town Clerk stated that the cats were trapped, neutered, vaccinated, and released in the place where they were trapped. The Town Clerk also reminded everyone that the State of Delaware has a law in place making feral cats "community pets," meaning that it is illegal to remove them from the community.

Town Council President, K. Phillips stated that he saw a cat cross the street several nights ago that looked very sickly, with hair loss. A resident agreed with the Town Council President and stated that she saw one that looked to be exhibiting signs of feline leukemia.

A resident asked if the Town has any proof of the vaccinations. The Town Clerk stated that the vaccinated cats should have a notched ear.

E. Whaley stated that she contacted the trapping organization, Forgotten Cats, and confirmed that they were aware of the project in Bethel. At the time of communication, Forgotten Cats reported that they had begun trapping cats in Bethel, but were not finished with the project.

A resident asked which ear is clipped after being trapped. Town Clerk, M. Hawkins stated that she did not know. E. Whaley offered to reach back out to her contact at Forgotten Cats to ask for more information about the process.

R. Campfield stated that similar to the issue of discharging firearms, many of the cats are kept outside of town limits.

A resident asked if the Town of Bethel is being billed by Forgotten Cats. R. Campfield stated that Mary and Tom are supposed to be responsible for paying for each cat.

A resident brought up the concern of feline leukemia being spread around the Town of Bethel by feral cats. Another resident pointed out that feral cats can transfer other diseases to other animals such as pet cats and dogs and in turn transfer the disease to humans.

E. Whaley asked V. Proctor if the current ordinances give the Town Council the ability to address resident's concerns about the cats. V. Proctor stated that it would be advisable to utilize the new ordinances once formally adopted.

A resident pointed out that there are signs posted around the Town that state that all pets must be leashed. The resident wanted to know if cats must be leashed and then how the Town enforces the leash law as presented on the signs. Town Council President, K. Phillips stated that as the current ordinances are written, the Town cannot enforce the leash law.

A resident asked for the turnaround time for the new ordinances to be formally adopted. Town Council President, K. Phillips stated that the Town must have three public hearings, so at least three months. V. Proctor stated that the Town Council is working to make the draft ordinances available for residents to review in the near future.

R. Campfield brought up the issue of complaint forms. Town Clerk, M. Hawkins explained that complaint forms are available in the Town Office and must be brought into the office for the Town Clerk to sign, acknowledging the complaint. E. Whaley asked if the forms were available on the website. The Town Clerk stated that the forms are currently not on the website, but they can be posted to the website.

(9) Community House Renovation Work: Town Council President, K. Phillips provided an update to the ongoing Community House Renovation work.

(10) Chipman Property: M. Shaver led the conversation about the Chipman property. M. Shaver proposed that the Town Council reach out to the Town Attorney to start the formal process to Sheriff Sale the property. M. Shaver stated that he received an email from Mary McCoy stating that Edna Chipman recently passed away. M. Shaver stated that he felt it was time to present the information and bills to the Town Attorney for her consideration. Town Council President, K. Phillips stated that someone is cutting the grass on the property.

M. Shaver made a motion to contact the Town Attorney regarding the Chipman property to proceed with a Sheriff Sale. E. Whaley seconded the motion. The motion passed unanimously.

(11) Possible Town of Bethel Land Acquisition: M. Shaver stated that the Town is interested in purchasing a piece of property across the street from the Community House, described as being between the Calloway property and the Ms. Isabel Bell House. M. Shaver reported that there are five parcels of ground that Dave Smith currently owns and would like to sell. M. Shaver stated that the Town approached Mr. Smith about a month ago to inquire about the lot mentioned above. Mr. Smith is selling the lot for \$60,000. M. Shaver stated that the lot is not quite an acre of ground.

Town Council President, K. Phillips stated that the ground is desperately needed for parking purposes. M. Shaver stated that the purchase of land would be with the mindset of opening the Community House up for dinners and such, as it was traditionally done in the past; therefore, creating a need for parking. M. Shaver stated that the closest available property is the lot in question.

A resident asked if the Town of Bethel would get its own appraisal of the land. M. Shaver stated that he was unable to have someone bid the price that Mr. Smith is asking for the property. R. Campfield stated that Mr. Smith will barely be getting back what he paid for the property. Town Council President, K. Phillips stated that Mr. Smith paid \$55,000 for the lot.

Town Council President, K. Phillips stated that the lot in question is the only lot available to meet the needs of the Town in terms of parking for the Community House.

E. Whaley questioned why the Town Council was looking to purchase a lot in the middle of an expanding market with great property inflation. R. Campfield responded by stating once the land is gone, it is gone. E. Whaley asked if the Town needed the property. E. Whaley asked if the Town had conducted any studies to numerically justify a need. Town Council President, K. Phillips stated that the current Town Council meeting was justification for a need. E. Whaley followed up by asking if an official study had been completed to justify the purchase with measurable data.

A resident asking if turning the lot into a parking lot would require a change of zoning. Town Council President, K. Phillips stated that the Town Council would have to follow up with the Town Attorney before being able to answer the question. R. Campfield stated that the lot would not officially be a parking lot as the Town would not pave it.

A resident asked if the lot would provide access to School Lane. The Town Clerk stated that the lot goes about half way between Main Street and School Lane.

R. Campfield stated that she has priced lots, as she has personally been looking to acquire a parcel of property and she felt that in a small town with little acreage left, such as Bethel, lots are going for more than \$60,000. M. Shaver brought up the price of the land Glen Jones sold to Blue Hen Construction.

A resident asked if the Town Council had looked at how much income it would make from renting the Community House in terms of covering the cost of purchasing the lot to use for parking. R. Campfield stated that the intent is not to make money by renting the Community House out, the lot is to create more parking within town limits.

R. Campfield stated that within the Charter, the Town should preserve and maintain open space. E. Whaley stated that the current proposal for a parking lot is not considered open space. Town Council President, K. Phillips stated per a previous conversation between E. Whaley and K. Phillips, E. Whaley suggested the Town explore grant opportunities to acquire the lot, if the lot were to be used for open space activities, such as community garden. E. Whaley explained that the current proposal does not constitute open space. Town Council President, K. Phillips stated that he disagreed with E. Whaley. E. Whaley stated that she was simply explaining the definition of open space and explaining how the current proposal falls outside the purview of open space.

A resident asking if the Town Council was purchasing the lot to prevent the resident whom purchased Mrs. Bell's house from purchasing the lot. The resident stated that if the Town is considered the resident will open a flea market, the newly established parking lot would provide more parking to her events.

V. Proctor stated that he was under the impression that when conversations about the purchase of lot were brought up, they were defensive in nature, to prevent the resident that recently purchased Mrs. Bell's house from purchasing the lot. V. Proctor stated that he was unaware of the decision to make the lot into a parking lot.

A resident brought up that the Town has ordinances to prevent large flea market events from regularly taking place within Town Limits. V. Proctor stated that the draft ordinances have been amended to expand the definition of a junkyard to cover such issues.

Town Clerk, M. Hawkins stated the parking lot could be limited to use for town functions only and if that is violated, then anyone would have the right to call the police to have the vehicle in violation towed off the property.

A resident stated that providing a parking lot will encourage people to loiter in the lot and mentioned the possibility of people doing drugs in the lot at 2:00AM, as the town has that issue at the dock. The Town Clerk stated that the lot would not be a known parking lot as the Town will not pave the lot or put gravel down to visually indicate the lot is a parking lot. The resident stated that people will get their vehicles stuck in the lot when it rains.

M. Shaver stated that he contacted Glen Eskridge to see if he would be interested in selling land on the same side as the Community House. M. Shaver stated that he would much rather have land on the same side as the Community House. M. Shaver stated that he has not been able to speak with Mr. Eskridge regarding the matter. A resident stated that Mr. Eskridge is not interested.

E. Whaley questioned the type of insurance involved with creating a parking lot across the street, as the lot would encourage pedestrians to cross the road to access the Community House. E. Whaley asked if the Town would be required to install a crosswalk to provide a place for pedestrians to cross. E. Whaley questioned what would happen if a pedestrian were to be struck by a vehicle while crossing the road to attend a function at the Community House. Town Council President, K. Phillips pointed out that Jeff Hastings has never had an issue with customers crossing the road. M. Shaver stated that the Town could ask the insurance company the insurance costs for creating a parking lot. A resident pointed out that a crosswalk would be a way to have traffic slowed down on Main Street.

A resident asked where the funds to purchase the lot were coming from. M. Shaver stated that he was in communication with Representative Tim Dukes as the Town of Bethel is in line to receive COVID relief funding from the Federal government. M. Shaver stated that there are stipulations of the funds, and M. Shaver needed clarification on the stimulations to ensure the funds are eligible for property acquisition.

M. Shaver stated that the Town Clerk will follow up with the questions raised about the potential land acquisition and table the land acquisition until answers are made available. V. Proctor agreed with M. Shaver and stated that after a quick read of the contract, it seems that Mr. Smith wants to go to settlement by the end of the month (June) and there are currently too many open questions. V. Proctor stated that the Town Council must determine why they want to purchase the ground.

A resident asked if the Town would purchase the land outright or take out a mortgage. M. Shaver stated that the Town would buy the land outright.

The issue of speeding was brought up by residents and members of Town Council.

(12) Old/New Business: The Town Clerk brought up that having a Town Council meeting on the first of the month creates problems for the Treasurer in his ability to prepare bank statement reports; therefore, if a meeting falls on the first of the month it should be moved to the following week. M. Shaver stated that the issue would not need to be addressed as it would create further problems in terms of paying bills on time.

E. Whaley stated that Mr. Chris Greaves of Main Street recently passed away.

(13) Adjourn Meeting: Town Council President, K. Phillips adjourned the meeting at 8:37PM.

Presented by:

Emily F. Whaley

Secretary

Bethel Town Council